

## SUBCHAPTER A—GENERAL

### PART 4401—FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ACQUISITION REGULATION SYS- TEM

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AUTHORITY: 40 U.S.C. 486(c); Reorganization  
Plan No. 3 of 1978.

SOURCE: 50 FR 31316, Aug. 1, 1985, unless  
otherwise noted.

#### 4401.000 Scope of part.

This part sets forth policies and pro-  
cedures concerning the Federal Emer-  
gency Management Agency Acquisition  
Regulation (FEMAAR) System.

#### Subpart 4401.1—Purpose, Authority, Issuance

##### 4401.101 Purpose.

FEMAAR is a supplement to the Fed-  
eral Acquisition Regulation (FAR) and  
is established for the codification and  
publication of uniform policies and  
procedures for acquisitions by FEMA.

##### 4401.103 Applicability.

This regulation applies to all acqui-  
sitions within FEMA, but not to place-  
ment or administration of cooperative  
agreements or grants.

##### 4401.104 Issuance.

##### 4401.104-1 Publication and code ar- rangement.

(a) The FEMAAR is published in (1)  
the daily issue of the FEDERAL REG-  
ISTER and (2) cumulated form in the  
Code of Federal Regulations (CFR).

(b) The FEMAAR is issued as chapter  
44 of title 48, CFR.

##### 4401.104-3 Copies.

Copies of the FEMAAR in FEDERAL  
REGISTER and CFR form may be pur-  
chased from the Superintendent of  
Documents, Government Printing Of-  
fice, Washington, DC 20402. Agency of-  
fices may request copies of the  
FEMAAR from the Policy and Evalua-  
tion Division, Office of Acquisition  
Management.

#### Subpart 4401.3—Agency Acquisition Regulations

##### 4401.301 Policy.

Policies, procedures, and guidance of  
an internal nature may be issued

#### **4401.303**

through internal FEMA issuances such as manuals, standard operating procedures, directives or instructions.

#### **4401.303 Codification and public participation.**

If subject matter in FAR requires no implementation, the FEMAAR will not contain a corresponding part, subpart, section, or subsection number. FAR subject matter governs.

### **Subpart 4401.4—Deviations From the FAR**

#### **4401.403 Individual deviations.**

The Director, Office of Acquisition Management, must authorize individual deviations in advance. Requests for authorization must:

- (a) Cite the specific parts of the FAR or FEMAAR from which it is desired to deviate;
- (b) Describe the deviation fully;
- (c) Indicate the circumstances which require the deviation;
- (d) Give reasons supporting the action requested; and
- (e) Give reasons why the action is in the best interest of the Government.

#### **4401.404 Class deviations.**

The Director, Office of Acquisition Management, must authorize class deviations in advance.

#### **4401.405 Deviations pertaining to treaties and executive agreements.**

The Director, Office of Acquisition Management, is the central control point for all deviations including those pertaining to treaties and executive agreements.

### **Subpart 4401.6—Contracting Authority and Responsibilities**

#### **4401.600-70 Scope of subpart.**

This subpart deals with the placement of contracting authority and responsibility within the agency, the selection and designation of contracting officers, and the authority of contracting officers.

#### **4401.601 General.**

The Director, Office of Acquisition Management, is designated the head of

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contracting activities and FEMA's procurement executive. The Director, Office of Acquisition Management, shall establish policy throughout the agency; monitor the overall effectiveness and efficiency of the agency's contracting offices; establish controls to assure compliance with laws, regulations, and procedures; and delegate contracting officer authority. The Director, Office of Acquisition Management, shall exercise the authority delegated under 44 CFR 2.67 FEMA Organization, Functions and Delegations.

#### **4401.603 Selection, appointment, and termination of appointment.**

##### **4401.603-2 Selection.**

In the areas of experience, training, and education, the following shall be required unless contracting authority is limited to a simplified purchase procedures. Waiver of any of these criteria shall be in writing:

(a) An individual contracting officer or an individual appointed to a position having contracting officer authority shall have a minimum of two years experience performing contracting, procurement, or purchasing functions in a Government or commercial contracting office. Additionally, where a contracting officer will work in a specialized field, experience in the field shall be a criterion for the appointment.

(b) An individual contracting officer or an individual appointed to a position having contracting officer authority shall have the equivalent of a bachelor's degree from an accredited college or institution with major studies in business administration, law, accounting, or related fields. The appointing official may waive this requirement when a candidate is otherwise qualified by virtue of extensive contract-related experience and training, business acumen, judgment, character, reputation, and ethics.

(c) An individual contracting officer or an individual appointed to a position having contracting authority shall have successfully completed training courses in both Government basic procurement and Government contract administration, each of not less than 80 class hours. Incumbents not meeting